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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,929	12/11/2003	Andrew G. Berezowski	SYS-P-1250 (8364-90587)	8588

7590 03/22/2006

Patent Services Group
Honeywell International, Inc.
101 Columbia Road
P.O. Box 2245
Morristown, NJ 07962

EXAMINER	
PHAM, LAM P	

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/733,929	BEREZOWSKI ET AL.	
	Examiner	Art Unit	
	Lam P. Pham	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 20-40 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not clear how does the device/node communicate with each other and how does the device/node determine the final/non-final recipient of a communication received from the portable source while the specification merely discloses the intended functionality, example, peer to peer communication without specifically disclose the structure/method as to how does the peer to peer communication actually carrying out, see specification, Figures 1-3; page 4, 2nd paragraph; page 6, paragraphs 3rd and 4th.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 20-25, 27-31 rejected under 35 U.S.C. 102(e) as being anticipated by **Johnson** et al. (US 6970077).

Regards claim 20, Johnson disclose an environment condition alarm system comprising:

a plurality (at least two nodes) of spaced apart nodes (detectors 30l, 30a, 30p, 30u), substantially all of the nodes of the plurality can communicate directly with one another via a medium (32);

at least one of the nodes includes a receiver (18) of wireless communications from a portable displaced source (18a) and circuitry (microcontroller 16) for determining that the at least one node is not a final recipient of a communication received from the portable source as seen in Figures 1-2; col. 2, lines 60-67; col. 3, lines 1-67; col. 4, lines 1-67. The detector 301 inherently has to pass along the request from 18a to 30p or 30u in order for detector 30p or 30u to provide information regarding its condition or status back to 18a.

Regards claim 21, Johnson disclose the nodes each includes circuitry for directly communicating with one another via the medium as seen in Figures 1-2; col. 3, line 59 col. 4, line 16.

Regards claim 22, Johnson disclose at least some of the nodes include at least one ambient condition sensor (temperature, humidity, gas and smoke) as seen in Figure 1; col. 2, lines 65-67; col. 3, lines 1-3.

Regards claim 23, Johnson disclose at least some of the sensors are selected from a class which includes smoke sensors, gas sensors, flame sensors, thermal sensors as seen in Figure 1; col. 2, lines 65-67; col. 3, lines 1-3.

Regards claim 24, Johnson disclose each node includes a common control element (16) and each node is a common control element as seen in Figures 1-2; col. 3, lines 3-67; col. 4, lines 1-16.

Regards claim 25, Johnson disclose at least some of the nodes (10) include circuitry (16a) for distinguishing received communications for nodes (request of data from nodes) from those for the common control element (request of data from other nodes) as seen in Figures 1-2; col. 3, lines 3-67; col. 4, lines 1-16.

Regards claim 27, Johnson disclose members of a plurality of the nodes (30a, 30l) each includes a receiver (18) of wireless communications from a displaced source (18a) and circuitry (16a) for determining that the at least one node is not a final recipient (relay node) of the received communication and circuitry for forwarding the received communication to at least one additional node (30p, 30u and other nodes in the system not limited to the ones shown) as seen in Figures 1-2; col. 3, lines 3-67; col. 4, lines 1-16.

Regards claim 28, Johnson disclose the members of the plurality includes circuitry for forwarding the received communication to a second plurality of nodes (30p, 30u) as seen in Figures 1-2; col. 3, lines 3-67; col. 4, lines 1-16.

Regards claim 29, Johnson disclose the at least one additional node is a common control node (30p, 30u) because each node includes a common control

element (16) and each node is also a common control node since it can control other nodes as seen in Figures 1-2; col. 3, lines 3-67; col. 4, lines 1-16.

Regards claim 30, Johnson disclose a system comprising:

a plurality of at least three spaced apart nodes, the nodes each include communications circuitry and can communicate directly with one another via a medium;

at least some of the nodes each include a receiver of wireless communications from a displaced source (18a) and circuitry for determining if the respective receiving node is a final recipient of a received communication; the detector/node 301 inherently has to pass along the request from 18a to a final recipient node, 30p or 30u in order for detector 30p or 30u to provide information regarding its condition or status back to 18a; where,

at least some of the nodes include at least one sensor selected from a class includes heat (temperature) sensors, smoke sensors and gas sensors with one of the nodes comprising a common control element (16); the nodes are identical and each node is a common control node because one can control other nodes as seen in Figures 1-2; col. 2, lines 60-67; col. 3, line1 to col. 4, line 16.

Regards claim 31, Johnson disclose a common control element (any node) coupled to at least some members of the plurality via the medium as seen in explanation of claim 30.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Lucas et al. (US 5594410).

Regards claim 26, Johnson fail to disclose at least some of the nodes comprise manually operable fire indicating units. In building environment, it has been known to have heat sensors, flame or fire sensors, movement sensors and many others including manually operable fire indicating units.

Lucas in "Emergency Warning Escape System" teach of a plurality nodes including manually operable fire indicating units (20) as seen in Figures 1 and 3; col. 4, lines 14-67. Thus, it would have been obvious to one of ordinary skilled in the art to include at least some nodes comprise manually operable fire indicating units in order to provide means for activated by occupants to alert others of a fire condition.

7. Claims 32-36, 39, 40 rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al.

Regards claim 32, Johnson disclose the receiver (18) capable of receiving IR, RF or visible light as forms of wireless communications as seen in Figure 1; col. 4, lines 17-21; and fail to disclose the receiver includes a second sensor of incident radiant energy. Since Johnson suggest the use of RF, IR, or visible light for wireless communications, it would have been obvious to one of ordinary skilled in the art to have

both RF and IR communications in order to provide flexible and effective communication between the remote control and the receiver.

Regards claim 33, Johnson disclose the second sensor is responsive to incident infrared-type signals as seen in claim 32.

Regards claim 34, Johnson disclose a portable source (18a) of radiant energy signals as seen in Figure 1.

Regards claim 35, Johnson disclose a system comprising:

a plurality of spaced apart nodes (30l, 30a, 30p, 30u), the nodes each include communications circuitry and can communicate with one another via a medium (wire 32);

at least some of the nodes each include a receiver (18) of wireless communications from a displaced source and circuitry for determining if the respective receiving node is a final recipient of a received communication; the detector 301 inherently has to pass along the request from 18a to a final recipient node, 30p or 30u in order for detector 30p or 30u to provide information regarding its condition or status back to 18a; where,

at least some of the nodes include at least one sensor selected from a class includes heat (temperature) sensors, smoke sensors and gas sensors with one of the nodes comprising a common control element (16); the nodes are identical and each node is a common control node because one can control other nodes as seen in Figures 1-2; col. 2, lines 60-67; col. 3, line 1 to col. 4, line 16.

a portable source (18a) of radiant energy signals; and where the portable source includes circuitry for specifying a message recipient (location).

However, Johnson disclose the receiver (18) capable of receiving IR, RF or visible light as forms of wireless communications as seen in Figure 1; col. 4, lines 17-21; and fail to disclose the receiver includes a second sensor of incident radiant energy. Since Johnson suggest the use of RF, IR, or visible light for wireless communications, it would have been obvious to one of ordinary skilled in the art to have both RF and IR as forms of wireless communications in order to provide flexible and effective communication between the remote control and the receiver of the node.

Regards claim 36, Johnson disclose the portable source includes circuitry for specifying a selected message (command) as seen in Figure 1; col. 4, lines 1-16.

Regards claim 39, Johnson disclose the command (message) is selected from a class which includes at least a message designating a test (battery test), or a message designating a location as seen in col. 3, lines 40-52.

Regards claim 40, see explanation from claim 35.

8. Claims 37-38 rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al in view of **Lennartz** et al. (US 6838988).

Regards claim 37, Johnson disclose each node provides verbal feedback to the user of the portable source in proximity of the node and fail to disclose the portable source includes circuitry for receiving communications from at least a selected node.

Lennartz in "Smoke detector with performance reporting" teach of using a handheld tester (40) for testing smoke alarms (nodes) via wireless (RF) communication

link. The handheld tester having circuitry (receiver 44) for receiving test results from at least a selected node for reviewing and analyzing and transmitting to a remote location for latter processing as seen at least in Figures 1-2; col. 5, lines 15-67; col. 6, lines 67; col. 7, lines 1-30.

In view of Lennartz teaching, it would have been obvious to one of ordinary skilled in the art to implement a receiving circuitry in the portable source of Johnson in order to receive test results, status information from the respective node for reviewing, analyzing or transmitting to a remote location for latter processing.

Regards claim 38, Lennartz disclose the received communications include node test results as seen in claim 37.

Response to Arguments

9. Applicant's arguments, see remarks, filed December 9, 2005, with respect to the rejection(s) of claim(s) 21-34, under Melnik have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Johnson et al. and Lucas et al. and Lennartz et al. for claims 21-40, thus, the allowance of claims 35-39 being withdrawn due to new references.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dungan (US 6794991) discloses a gas monitoring apparatus and method.

Santy et al. (US 4812821) disclose a visual fire alert system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P. Pham whose telephone number is 571-272-2977. The examiner can normally be reached on 9AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lam Pham
March 18, 2006.

DANIEL WU
SUPERVISORY PATENT EXAMINER
3/20/06